

2 AN ORDINANCE amending the City of
3 Fort Wayne Zoning Map No. S-14.

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA:

6 SECTION 1. That the area described as follows is
7 hereby designated an R-3 (Multi-Family Residential) District
8 under the terms of Chapter 33 of the Code of the City of
9 Fort Wayne, Indiana of 1974:

10 1522 Inwood Drive:

11 The north 150 feet of Lot Numbered 168 in Delta Heights
12 Addition to the City of Fort Wayne, Indiana, together
13 with a part of the West One-Half of the West One-Half
14 of the Southeast Quarter of Section 32, Township 31
North, Range 13 East, in Allen County, Indiana, being
more particularly described as follows:

15 Beginning at the Northeast corner of Lot #168 in Delta
16 Heights Addition to the City of Fort Wayne, Indiana;
17 thence West along the South line of vacated Vermont
18 Avenue, 99 feet; thence South and parallel with the
19 East line of Lot #168 in Delta Heights Addition, 150
feet; thence West and parallel with the South line of
20 vacated Vermont Avenue, 99 feet to a point on the East
line of said Lot #168; thence North along the East line
of said Lot #168, a distance of 150 feet to the place
of beginning. Also, the South 25 feet of vacated
21 Vermont Avenue adjoining the above described parcel on
the North.

22 4219 Lake Avenue:

23 That part of the West 1/2 of the West 1/2 of the
24 Southeast 1/4 of Section 32, Township 31 North, Range
13 East, described as follows:

25 Commencing at the Southeast corner thereof; thence West
26 on the South line of said Section a distance of 6 rods;
27 thence North 20 rods; thence East 6 rods, thence South
20 rods; to the place of beginning, being a parcel 6
rods wide, East and West and 20 rods long North and
South. Subject to Highway.

28 and the symbols of the City of Fort Wayne Zoning Map No. S-
29 14, as established by Section 11 of Chapter 33 of the Code
30 of the City of Fort Wayne, Indiana are hereby changed
31 accordingly.

1 SECTION 2. That this Ordinance shall be in full force
2 and effect from and after its passage and approval by the
3 Mayor.

Carol Broy
Carol Broy
Councilmember

4 APPROVED AS TO FORM AND LEGALITY:
5 *J. Timothy McCaulay*
6 J. TIMOTHY McCAULAY, CITY ATTORNEY
7

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32

Read the first time in full and on motion by Henry, seconded by Bidd, and duly adopted, read the second time by title and referred to the Committee on Legislative (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on 10-8-91, the 10th day of October, 1991, at 10:00 o'clock A.M., E.S.T.

DATED: 9-10-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Henry, seconded by Bidd, and duly adopted, placed on its passage. PASSED LOST by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u> </u>	<u> </u>	<u> </u>
<u>BRADBURY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>BURNS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>EDMONDS</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>GiaQUINTA</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>HENRY</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>LONG</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>REDD</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>SCHMIDT</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>
<u>TALARICO</u>	<u>✓</u>	<u> </u>	<u> </u>	<u> </u>

DATED: 10-8-91.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL) (SPECIAL) (ZONING MAP) ORDINANCE RESOLUTION NO. 2-17-91. on the 8th day of October, 1991.

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Samuel J. Talarico
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 9th day of October, 1991, at the hour of 2:00 o'clock P.M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 18th day of October, 1991, at the hour of 4:30 o'clock P.M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

RECEIPT

No 10857

COMMUNITY & ECONOMIC DEVELOPMENT

FT. WAYNE, IND.

August 5 1991

RECEIVED FROM

Ron Rimbough

\$ 100.00

THE SUM OF

One hundred and 00/100

DOLLARS

ON ACCOUNT OF

4219 Lake Ave. & 1522 Pinewood

100

Rezoning

Ticket

PAID BY: CASH CHECK M.O.

#6427

AUTHORIZED SIGNATURE

PETITION FOR ZONING ORDINANCE AMENDMENT

RECEIPT NO. _____

THIS IS TO BE FILED IN DUPLICATE

DATE FILED _____

INTENDED USE _____

I/We RONALD L. RUMBAUGH / MARC. COOK

(Applicant's Name or Names)

do hereby petition your Honorable Body to amend the Zoning Map of Fort Wayne Indiana, by reclassifying from a/an R-1 District to a/an R-3 District the property described as follows:

4219 LAKE AVE. - E 6 RD. OF SO. 20 RD. WEST $\frac{1}{2}$, WEST $\frac{1}{2}$ S.E. $\frac{1}{2}$ AND $\frac{1}{2}$

VACATED STREET ADJACENT ONN. EXCEPT N. 150 FEET SEC. 32 - Legal Attached

1522 INWOOD DR. -LEGAL ATTACHED

(Legal Description) If additional space is needed, use reverse side.

ADDRESS OF PROPERTY IS TO BE INCLUDED:

4219 LAKE AVE.

1522 INWOOD DR.

(General Description for Planning Staff Use Only)

I/We, the undersigned, certify that I am/We are the owner(s) of fifty-one percentum (51%) or more of the property described in this petition.

RONALD L. RUMBAUGH

4229 PHILIP WAY

Ray L. RUMBAUGH

MARC COOK

75 LN. 205 CSJIMMERSON DR.

Marc Cook

(Name)

(Address)

(Signature)

(If additional space is needed, use reverse side.)

Legal Description checked by _____

(OFFICE USE ONLY)

NOTE FOLLOWING RULES

All requests for deferrals, continuances, withdrawals, or request that the ordinance be taken under advisement shall be filed in writing and be submitted to the City Plan Commission prior to the legal notice pertaining to the ordinance being sent to the newspaper for legal publication. If the request for deferral, continuance or request that ordinances be taken under advisement is received prior to the publication of the legal ad being published the head of the Plan Commission staff shall not put the matter on the agenda for the meeting at which it was to be considered. The Plan Commission staff will not accept request from petitioners for deferrals, continuances, withdrawals, or requests that a ordinance be taken under advisement, after the legal notice of said ordinance is forwarded to the newspaper for legal publication but shall schedule the matter for hearing before the City Plan Commission. (FILING FEE \$100.00)

Name and address of the preparer, attorney or agent.

RONALD L. RUMBAUGH

(Name)

4207 LAKE AVE. FT. WAYNE, IN. 46815

(Address & Zip Code)

422-6664 (Telephone Number)

COMMUNITY DEVELOPMENT AND PLANNING / Division of Long Range Planning & Zoning and (CITY PLAN COMMISSION) / Room #830, City-County Building, One Main Street Fort Wayne, IN 46802 (PHONE: 219/427-1140).

Applicants, Property owners and preparer shall be notified of the Public Hearing approximately ten (10) days prior to the meeting.

CERTIFICATE OF SURVEY

OFFICE OF:

JOHN R. DONOVAN

REGISTERED PROFESSIONAL CIVIL ENGINEER No. 9173 INDIANA

REGISTERED LAND SURVEYOR No. 9921 INDIANA

FORT WAYNE, INDIANA

The undersigned Civil Engineer and Land Surveyor hereby certifies that he has made a resurvey of the real estate shown and described below.

Measurements were made and corners perpetuated as shown hereon, in accordance with the true and established lines of the property described, and in conformity with the records in the office of the County Recorder, ALLEN County, Indiana. No encroachments existed, except as noted below.

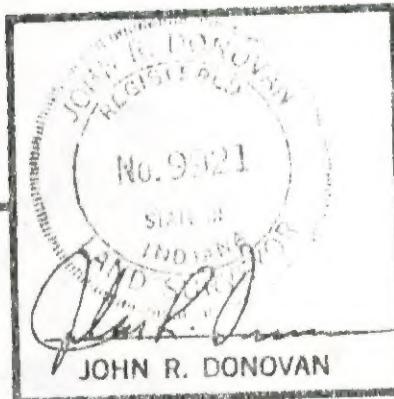
The description of the real estate is as follows, to wit: The North 150 feet of Lot Numbered 168 in Delta Heights Addition to the City of Fort Wayne, Indiana, together with a part of the West One-half of the West One-half of the Southeast Quarter of Section 32, Township 31 North, Range 13 East, in Allen County, Indiana, being more particularly described as follows:

Beginning at the Northeast corner of Lot #168 in Delta Heights Addition to the City of Fort Wayne, Indiana; thence West along the South line of vacated Vermont Avenue, 99 feet; thence South and parallel with the East line of Lot #168 in Delta Heights Addition, 150 feet; thence West and parallel with the South line of vacated Vermont Avenue, 99 feet to a point on the East line of said Lot #168; thence North along the East line of said Lot #168, a distance of 150 feet to the place of beginning. Also, the South 25 feet of vacated Vermont Avenue adjoining the above described parcels on the North.

1522 INWOOD DR.

JOB FOR: BROOKS

12-23-83



PLAIVI & FUGLE
SUITE 205 GETTLE BLDG
FORT WAYNE 2, INDIANA
PHONE A-5157
(COPY)

Ronald L. Rumball
4207 Lake Ave
~~Mr. Clifton R. Brooks~~
~~2711½ Broadway~~
~~Fort Wayne, Indiana~~

August 2, 1961.

4219 lake. ave.

Delta Heights
lot 169 (East of P)
169 lake
DK
W.W.

Re: The following described real estate in Allen County, Indiana, to-wit:
That part of the West 1/2 of the West 1/2 of the Southeast 1/4 of Section 32, Township 31 North, Range 13 East, described as follows:
Commencing at the Southeast corner thereof; thence West on the South line of said Section, a distance of 6 rods; thence north 20 rods; thence east 6 rods; thence South 20 rods; to the place of beginning, being a parcel 6 rods wide, East and West and 20 rods long North and South. Subject to Highway.

Dear Mr. Brooks:

Pursuant to your request we have examined an abstract of title covering the above described real estate, which consists of 180 entries covering the record title to said real estate from the date of entry from the U.S. Government to July 24, 1961 at 5:00 P.M. The last continuation was prepared by Dreibelbiss Abstract of Title Company and is certified to by them.

Your attention is directed to the following liens, defects and encumbrances which are disclosed by our examination.

1. The older portion of the abstract contain the usual number of errors, common to older abstracts, consisting of indefinite and improper descriptions, variable spelling of names, failures to designate marital status, etc. all of which may be waived because of the lapse of time.
2. There is no survey covering the real estate described herein. If the border lines and boundaries are not clearly defined and well marked you should require a survey. The tract of real estate described in this abstract is rectangular in shape and is 6 rods wide and 20 rods long. Your attention is directed to the fact that part of the real estate

RESOLUTION OF ZONING ORDINANCE AMENDMENT RECOMMENDATION

WHEREAS, the Common Council of the City of Fort Wayne, Indiana, on September 10, 1991 referred a proposed zoning map amendment to the City Plan Commission which proposed ordinance was designated Bill No. Z-91-09-07; and,

WHEREAS, the required notice of public hearing on such proposed ordinance has been published as required by law; and,

WHEREAS, the City Plan Commission conducted a public hearing on such proposed ordinance on September 16, 1991.

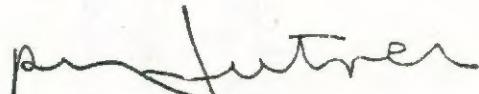
NOW THEREFORE, BE IT RESOLVED that the City Plan Commission does hereby recommend that this ordinance be returned to the Common Council with a DO PASS recommendation based on the Commission's following "Findings of Fact":

- (1) the grant will not be injurious to the public health, safety, morals, and general welfare of the community;
- (2) the use or value of the area adjacent to the property included in the rezoning will not be affected in a substantially adverse manner;
- (3) the need for the rezoning arises from some condition peculiar to the property involved and the condition is not due to the general conditions of the neighborhood;
- (4) the strict application of the terms of the zoning ordinance will constitute an unusual and unnecessary hardship if applied to the property for which the rezoning is sought; and,
- (5) the grant does not interfere substantially with the comprehensive plan adopted under the 500 series of the metropolitan development law.

BE IT FURTHER RESOLVED that the Secretary is hereby directed to present a copy of this resolution to the Common Council at its next regular meeting.

This is to certify that the above is a true and exact copy of a resolution adopted at the meeting of the Fort Wayne City Plan Commission held September 23, 1991.

Certified and signed this
25th day of September 1991.



Robert Hutner
Secretary

Division of Community Development & Planning

BRIEF TITLE	APPROVAL DEADLINE	REASON	
Zoning Map Amendment			
From R-1 to R-3			
DETAILS		POSITIONS	RECOMMENDATIONS
Specific Location and/or Address 4219 Lake Av & 1522 Inwood Dr		Sponsor	City Plan Commission
Reason for Project Future use as an office / or expansion of existing office.		Area Affected	City Wide Other Areas
Discussion (Including relationship to other Council actions) <u>16 September 1991 - Public Hearing</u>		Applicants/ Proponents	Applicant(s) Ronald Rumbaugh Marc Cook City Department Other
Ron Rumbaugh, petitioner, 4207 Lake Avenue appeared before the Commission. Mr. Rumbaugh stated that the property at 4207 Lake Avenue is already zoned R-3 and he maintained his dental practice in that building. He stated that when they widen Lake Avenue it will render the property at 4219 Lake Avenue useless as residential. He stated that he was asking for the rezoning of 1522 Inwood Dr, which is also adjacent to the existing R-3, in order for the property to comply with the existing use of the property. He stated that this property (1522 Inwood Dr) is already being used as a professional office.		Opponents	Groups or Individuals Basis of Opposition
John Shoaff questioned what the use of 1522 Inwood Drive was.		Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Mr. Rumbaugh stated that Marc Cook had an insurance office located on the property.		Board or Commission Recommendation	By <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For with revisions to conditions (See Details column for condition)
There was no one else present who wished to speak in favor of or in opposition to the proposed rezoning.		CITY COUNCIL ACTIONS (For Council use only)	<input type="checkbox"/> Pass <input type="checkbox"/> Other <input type="checkbox"/> Pass (as amended) <input type="checkbox"/> Hold <input type="checkbox"/> Council Sub. <input type="checkbox"/> Do not pass

DETAILS

23 September 1991 - Business Meeting

Motion was made and seconded to return the ordinance to the Common Council with a DO PASS recommendation.

Of the eight (8) members present, seven (7) voted in favor of the motion, one (1) did not vote.

Motion carried.

POLICY/PROGRAM IMPACT

Policy or Program Change	<input type="checkbox"/> No	<input type="checkbox"/> Yes
Operational Impact Assessment		

(This space for further discussion)

Project Start

Date 5 August 1991

Projected Completion or Occupancy

Date 25 September 1991

Fact Sheet Prepared by

Date 25 September 1991

Patricia Biancaniello

Reviewed by

Reviewed by,
Michael A. Sapp

Reference or Case Number

ORIGINAL

ORIGINAL

DIGEST SHEET

TITLE OF ORDINANCE Zoning Map Amendment

DEPARTMENT REQUESTING ORDINANCE Land Use Management - C&ED

SYNOPSIS OF ORDINANCE 4219 Lake Av & 1522 Inwood Dr

2-91-09-07

EFFECT OF PASSAGE Property is currently zoned R-1 - Single Family Residential.

Property will become R-3 - Multi-Family Residential.

EFFECT OF NON-PASSAGE Property will remain R-1 - Single Family Residential.

MONEY INVOLVED (Direct Costs, Expenditures, Savings) _____

(ASSIGN TO COMMITTEE (J.N.) _____

BILL NO. Z-91-09-07

REPORT OF THE COMMITTEE ON REGULATIONS

THOMAS C. HENRY, CHAIRMAN
DAVID C. LONG, VICE CHAIRMAN
EDMONDS, SCHMIDT, BRADBURY

WE, YOUR COMMITTEE ON REGULATIONS TO WHOM WAS

REFERRED AN (ORDINANCE) (RESOLUTION) AN ORDINANCE amending
the City of Fort Wayne Zoning Map No. S-14

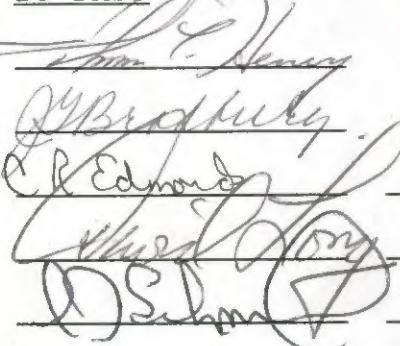
HAVE HAD SAID (ORDINANCE) (RESOLUTION) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (RESOLUTION)

DO PASS

DO NOT PASS

ABSTAIN

NO REC



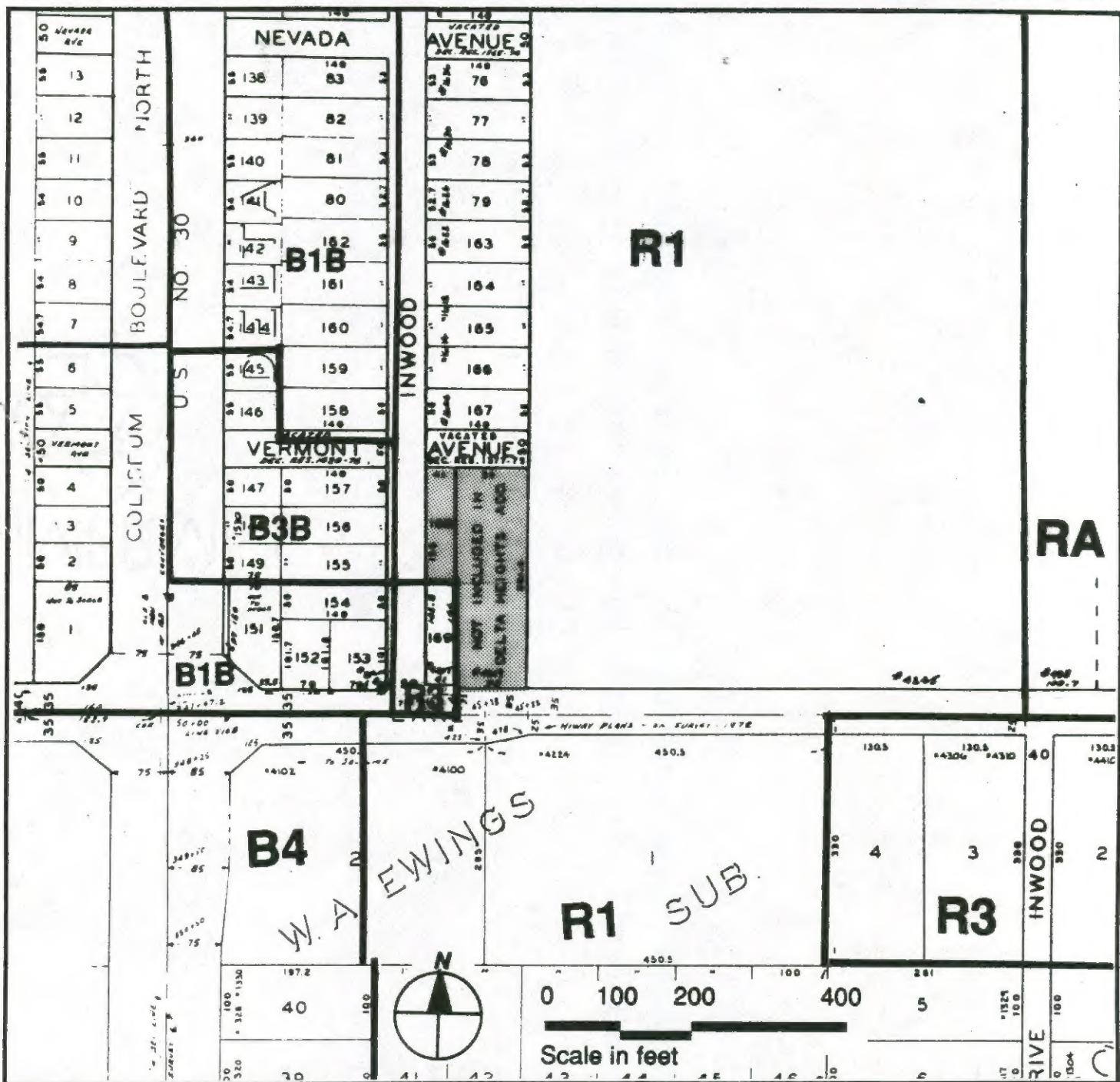
DATED: 10-8-91

Sandra E. Kennedy
City Clerk

REZONING PETITION

AREA MAP

CASE NO. #486



COUNCILMANIC DISTRICT NO. 2

Map No. S-14
LW 8-20-91

R1 One-Family
R2 Two-Family
R3 Multi-Family
RA/RB Residential
PUD Planned Unit Dev.

B1 Limited Business
B2 Planned Shopping Center
B3 General Business
B4 Roadside Business
POD Professional Office District

M1 Light Industrial
M2 General Industrial
M3 Heavy Industrial
MHP Mobile Home Park